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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,510	04/01/2004	Katsumi Otsuka	00862.023524.	6473
5514	7590	11/12/2004		
FITZPATRICK CELLA HARPER & SCINTO				
30 ROCKEFELLER PLAZA				
NEW YORK, NY 10112				
			EXAMINER	
			JEANGLAUDE, JEAN BRUNER	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,510

Applicant(s)

OTSUKA, KATSUMI

Examiner

Jean B Jeanglaude

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-01-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Oath/Declaration

The oath/Declaration is missing. The oath must be submitted in the next office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art (APA).
4. Regarding claims 1, 5, 6, 7, the APA discloses a variable length code decoding apparatus [computer program] and method which receive a bitstream of variable-length-encoded image data and outputs symbol data comprising (fig. 2): cueing means (201)

Art Unit: 2819

for cueing a variable-length code word from the received bitstream; discrimination means (not shown) for discriminating a type of a code word in accordance with a pattern of a predetermined number of bits at a start of the variable-length code word cued by the cueing means (page 3, lines 15, 16); a Huffman table (fig. 2) which compares the extracted data with a variable length code word stored in advance, and when the data and the variable length code word coincide, outputs first symbol (paragraph bridging pages 4 and 5); addition arithmetic means (not shown) for generating, for the first symbol data output from the Huffman table, a sum value corresponding to the first symbol data and adding the generated sum value to the first symbol to output a plurality of types of second symbol data (paragraph bridging between pages 3 and 4); decoding means (202) for selecting a predetermined bit lane from the variable-length code word cued by the cueing means and outputting the bit lane as third symbol data (fig. 2); and selection means (208) for selecting and outputting one of the first symbol data output from the Huffman table, the second symbol data generated by the addition arithmetic means, and the third symbol data generated by the decoding means in accordance with a value of the variable-length code word cued by the cueing means (fig. 2; page 5, lines 9 - 14). The APA does not explicitly disclose a variable length code decoding apparatus and method that comprise an extraction means for extracting data having a sufficient code word length from a predetermined bit position on the basis of a discrimination result from the discrimination means. However, as disclosed in the Applicant's admitted prior art, the cueing means cued at the start of a variable length code word and data at a corresponding bit position is directly output as symbol data

Art Unit: 2819

(page 5, lines 2 – 8), thereby the APA is considered to extract data having a sufficient code word length from a predetermined bit position on the basis of a discrimination result from the discrimination means and the APA is considered as a storage medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the applicant's admitted prior art is at least fully equivalent to the claimed invention and the APA would achieve the same end result as the claimed invention – decoding variable length code words for still image or moving images.

5. Regarding claims 2, 5, the APA discloses an apparatus and method (fig. 2) wherein the symbol data added by the addition arithmetic means are RUN and LEVEL (fig. 2).

6. Regarding claim 3, 6, the APA discloses an apparatus and method (fig. 2) wherein the discrimination means discriminates whether the code word is an escape code (fig. 2).

7. Regarding claim 4, the APA discloses an apparatus (fig. 2) wherein the received bitstream is image data encoded by MPEG-4 encoding (fig. 2; page 3, line 6, 7).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Dimitrova et al. (US patent Number 6,125,229) discloses a visual indexing system.

10. Dimitrova et al. (US patent Number 6,137,544) discloses a significant scene detection and frame filtering for a visual indexing system.

Art Unit: 2819

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Jeanglaude whose telephone number is 571-272-1804. The examiner can normally be reached on Monday - Friday 7:30 A. M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bruner Jeanglaude
Primary Examiner
November 2, 2004